

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DOUGLAS M. HODCZAK; JAMES M.)	
CROSSMAN; THOMAS J. MAGDIC;)	
JOSEPH A. LITVIK, on behalf of)	
themselves and all others similarly)	
situated,)	
)	
Plaintiffs,)	
)	
vs.)	Civil Action No. 08-649
)	
LATROBE SPECIALTY STEEL)	Judge Terrence F. McVerry
COMPANY,)	Magistrate Judge Amy Reynolds Hay
Defendant.)	

ORDER

AND NOW, this 31st day of March, 2009, after the plaintiffs, Douglas M.

Hodczak, James M. Crossman, Thomas J. Magdic and Joseph A. Litvik, filed the above-captioned case on behalf of themselves and others similarly situated, and after defendant, Latrobe Specialty Steel Company, filed a Motion for Summary Judgment on All Collective Action Claims, and after plaintiffs filed a Motion Pursuant to Rule 56(f) to Deny or Continue Defendant's Motion for Summary Judgment on All Collective Action Claims, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until March 19, 2009, to file written objections thereto, and upon consideration of the objections filed by defendant and the response thereto submitted by plaintiffs, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that plaintiffs' motion to deny summary judgment pursuant to Fed. R. Civ. P. 56(f) on all Collective Action Claims [Dkt. 42] is **GRANTED**, and

that Defendant's Motion for Summary Judgment on All Collective Action Claims [Dkt. 15] is, in fact, **DENIED**.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

s/ Terrence F. Mcverry
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

All Counsel of Record by electronic filing